

INITIATIVE PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following proposed law be submitted to the voters of the state of South Dakota at the general election on November 7, 2006, for their approval or rejection pursuant to the Constitution of the State of South Dakota.

The substance of the proposed law is as follows:

Be it enacted by the people of South Dakota.

An Initiative to revise certain provisions related to county zoning and conditional use requests.

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S.D. SEC. OF STATE

Section 1. That § 7-18A-15.1 be amended to read as follows: Any legislative decision of a board of county commissioners is subject to the referendum process. A legislative decision is one that enacts a permanent law or lays down a rule of conduct or course of policy for the guidance of citizens or their officers. Any matter of a permanent or general character is a legislative decision. The approval or disapproval of any conditional use request or variance request is a legislative decision, including any conditional use request or variance request concerning a concentrated animal feeding operation as provided in § 11-2-17.3.

No administrative decision of a governing body is subject to the referendum process, unless specifically authorized by this code. An administrative decision is one that merely puts into execution a plan already adopted by the governing body itself or by the Legislature, unless the decision concerns a conditional use request or a request for a variance. Supervision of a program is an administrative decision. Hiring, disciplining, and setting the salaries of employees are administrative decisions.

Section 2. That § 11-2-17.3 be amended to read as follows: A county zoning ordinance adopted pursuant to this chapter that authorizes a conditional use of real property shall specify the approving authority, each category of conditional use requiring such approval, the zoning districts in which a conditional use is available, and the criteria for evaluating each conditional use. However, the board of county commissioners shall approve or disapprove any conditional use request concerning a concentrated animal feeding operation or variance request. The approving authority specified in the county zoning ordinance shall make a recommendation to the board of county commissioners on the conditional use request or variance request concerning a concentrated animal feeding operation. The board of county commissioners shall act on the recommendation within thirty days. The approving authority shall consider the stated criteria, the objectives of the comprehensive plan, and the purpose of the zoning ordinance and its relevant zoning districts when making a decision to approve or disapprove a conditional use request or a variance request. The stated criteria shall include the degree of community support, public health issues, the quality of life of the community, and the protection of natural and economic resources.

Section 3. That § 7-18A-1 be amended to read as follows: Terms used in this chapter title and chapter 11-2, unless the context plainly requires otherwise, shall mean:

- (1) "Board," a board of county commissioners;
- (2) "Ordinance," a permanent legislative act of a board of county commissioners passed within the limits of its powers;
- (3) "Publish," publication in the official county newspapers;
- (4) "Resolution," any motion that is adopted, determination, decision, or direction of a board of county commissioners ~~of a special or temporary character~~, made for the purpose of initiating, effecting, or carrying out its administrative duties and functions.

Filed this 5th day of July, 2005

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME		RESIDENCE	DATE/COUNTY
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
1	JAMES ABOON	4016 8th ST - # 341 - BAKERS	
PRINT		CITY OR TOWN	COUNTY OF REGISTRATION
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
2	CHARLES JOHNSON	45169 - 2432nd ST	
PRINT		CITY OR TOWN	COUNTY OF REGISTRATION
SIGN		STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
3	CLARENCE KOWAL	1117 - 4th ST	
PRINT		CITY OR TOWN	COUNTY OF REGISTRATION